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4 Las Vegas, NV 89102  
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6 (702) 870-0034 Fax  
7 Attorney for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

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MARIA HERNANDEZ,	)	No.
Plaintiff,	)	
vs.	)	
GC SERVICES LIMITED PARTNERSHIP,	)	
Defendant.	)	JURY DEMANDED

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COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the  
FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,  
and the doctrine of supplemental jurisdiction. Venue lies in the  
Southern Division of the Judicial District of Nevada as Plaintiff's  
claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to  
remedy Defendant's violations of the Federal Fair Debt Collection  
Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and  
of related state law obligations brought as supplemental claims  
hereto.

1       3.    In 2009, Defendant initiated a campaign of abusive,  
2 unfair, unreasonable, and unlawful debt collection activity  
3 directed against Plaintiff.

4       4. As a result of these and other violations of law,  
5 Plaintiff seeks hereby to recover actual and statutory damages  
6 together with reasonable attorney's fees and costs.

## PARTIES

9       5. Plaintiff, Maria Hernandez, is a natural person who  
10      resides in Las Vegas, Nevada, and is a "consumer" as defined by 15  
11      U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by  
12      15 U.S.C. Section 1692a(5).

13       6. Defendant, GC Services Limited Partnership, is a domestic  
14 corporation, the principal purpose of whose business is the  
15 collection of debts, operating a debt collection agency from its  
16 principal place of business in Houston, Texas, and regularly  
17 collects or attempts to collect debts owed or due or asserted to be  
18 owed or due another, and is a "debt collector" as defined by 15  
U.S.C. Section 1692a(6).

## FACTUAL ALLEGATIONS

20       7. Plaintiff(s) repeat, reallege and assert all factual  
21 allegations contained in the preliminary statement to this  
22 Complaint and reassert them as incorporated in full herein.

23       8. On January 29, 2009, Defendant dunned Plaintiff for an  
24 alleged debt.

1       9. On February 4, 2009, Plaintiff wrote Defendant advising  
2 of her refusal to pay (Exhibit 1).

3 10. Plaintiff's written refusal to pay required Defendant to  
4 cease and desist all collection communications in accordance with  
5 FDCPA § 1692c(c):

(c) Ceasing communication - If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.

11. Defendant received Exhibit 1 on February 6, 2009 (Exhibit 2).

12. Notwithstanding, on January 20, 2009, Defendant again dunned Plaintiff in violation of FDCPA §§ 1692c and 1692d (Exhibit 3).

13. The foregoing acts and omissions of Defendant were undertaken by it willfully, maliciously, and intentionally, knowingly, and/or in gross or reckless disregard of the rights of Plaintiff.

14. Indeed, the foregoing acts and omissions of Defendant were undertaken by it indiscriminately and persistently, as part of its regular and routine debt collection efforts, and without regard to or consideration of the identity or rights of Plaintiff.

1       15. As a proximate result of the foregoing acts and omissions  
2 of Defendant, Plaintiff has suffered actual damages and injury,  
3 including, but not limited to, stress, humiliation, mental anguish  
4 and suffering, and emotional distress, for which Plaintiff should  
5 be compensated in an amount to be proven at trial.

6       16. As a result of the foregoing acts and omissions of  
7 Defendant, and in order to punish Defendant for its outrageous and  
8 malicious conduct, as well as to deter it from committing similar  
9 acts in the future as part of its debt collection efforts,  
10 Plaintiff is entitled to recover punitive damages in an amount to  
be proven at trial.

## CAUSES OF ACTION

COUNT I

17. The foregoing acts and omissions of Defendant constitute  
14 violations of the FDCPA, including, but not limited to, Sections  
15 1692c, 1692d and 1692e.

18. Plaintiff is entitled to recover statutory damages,  
19 actual damages, reasonable attorney's fees, and costs.

COUNT IT

19       19. The foregoing acts and omissions constitute unreasonable  
20 debt collection practices in violation of the doctrine of Invasion  
21 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.  
22 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*  
23 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

24       20. Plaintiff is entitled to recover actual damages as well  
25 as punitive damages in an amount to be proven at trial.

1 JURY DEMANDED

2 Plaintiff hereby demands trial by a jury on all issues so  
3 triable.

4 WHEREFORE, Plaintiff prays that this Honorable Court grant the  
5 following relief:

6 1. Award actual damages.  
7 2. Award punitive damages.  
8 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.  
9 § 1692k.  
10 4. Award reasonable attorney fees.  
11 5. Award costs.  
12 6. Grant such other and further relief as it deems just and  
proper.

13 Respectfully submitted,

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16 MITCHELL D. GLINER, ESQ.  
17 Nevada Bar #003419  
18 3017 West Charleston Boulevard  
Suite 95  
Las Vegas, NV 89102  
19 Attorney for Plaintiff  
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February 4, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

GC Services Limited Partnership  
Collection Agency Division  
P. O. Box 2667 (023)  
Houston, Texas 77252-2667

Dear Sir:

I refuse to pay.

Maria Hernandez

Enclosure

**EXHIBIT I**



**GC Services Limited Partners, LP**  
Collection Agency Division  
6330 Gulfton, Houston, Tx. 77081

PO Box 2667 (023)  
Houston Tx 77252-2667  
Return Service Requested  
January 29, 2009

## BALANCE DUE STATEMENT

YOU OWE  
NISSAN MOTOR ACCEPT.

BALANCE DUE

~~X~~ \$23,448.18

ACCOUNT NUMBER  
90102451248870001

USE ENCLOSED ENVELOPE AND SEND PAYMENT TO:

0270409027002126-0108-01

Maria Hernandez

700 N 18th St  
Las Vegas NV 89101-2753

PO Box 5220

San Antonio Tx 78201

(866) 862-2787  
2362724

**PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT.**

Dear Maria Hernandez:

Your account with NISSAN MOTOR ACCEPT., in the amount of \$23,448.18, has been referred to us.

By this time you must realize that you are delinquent.

Send us your payment in full in the enclosed envelope. Please include this letter to assure proper credit of your payment.

Remit your balance in full or phone (866) 862-2787.

**IMPORTANT: BE CERTAIN YOUR ACCOUNT IS CORRECT.**

**FILL IN BELOW.**

**HOME PHONE** : \_\_\_\_\_

**NEW ADDRESS** : \_\_\_\_\_

**EMPLOYER** : \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**EMPLOYER ADDRESS** : \_\_\_\_\_

0270409027002126-0108-01



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[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 2570 0000 3475 9686  
Status: Delivered

Your item was delivered at 7:43 AM on February 6, 2009 in HOUSTON, TX 77210.

[Track & Confirm](#)

Enter Label/Receipt Number

[Additional Details >](#) [Return to USPS.com Home >](#)

### Notification Options

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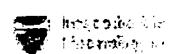
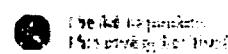


EXHIBIT 2



PO BOX 5220 (023)  
SAN ANTONIO TX 78201  
RETURN SERVICE REQUESTED  
FEBRUARY 20, 2009

### BALANCE DUE STATEMENT

YOU OWE  
NISSAN MOTOR ACCEPT.

BALANCE DUE  
\$22,178.18

ACCOUNT NUMBER

90102451248870001

USE ENCLOSED ENVELOPE AND SEND PAYMENT TO:

0270409027002126-0533-07

MARIA HERNANDEZ

700. N 18TH ST  
LAS VEGAS NV 89101-2753

PO BOX 5220  
SAN ANTONIO TX 78201

(866) 862-2787

2362724

PLEASE DETACH AND RETURN UPPER PORTION OF STATEMENT WITH PAYMENT.

Dear Maria Hernandez:

This letter is in reference to your outstanding balance owed to the above referenced client.

Now that you may be eligible for an income tax refund, we expect that you will want to pay your balance in full or at least a large part of the remaining balance.

Please send your balance in full or if you are waiting for your refund, call us at the phone number listed above to assist you in resolving this account.

We feel this is a fair and reasonable demand as our client has been waiting for payment for quite some time.

Your cooperation is appreciated. If you have any questions, or think you may qualify for a settlement, please call.

Sincerely,  
Ms. Gutierrez  
Account Representative

# EXHIBIT 3